

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

JAMES GRASS,

Plaintiff,

v.

Civil Action No. 1:09cv160
(Judge Keeley)

KAREN WINTERS, M.D., and
WILLIAM M. FOX, Warden,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATIONS (DKT. 65),
GRANTING MOTION TO DISMISS (DKT. 43) AND
MOTION FOR SUMMARY JUDGMENT (DKT. 61), AND
DISMISSING CASE WITH PREJUDICE

On September 14, 2010, United States Magistrate Judge James E. Seibert entered a Report and Recommendations ("R&R"), recommending that the Court dismiss this case with prejudice. The R&R further stated that any party objecting to its recommendations must do so within fourteen days of receipt of service of the R&R. The pro se plaintiff, James Grass, accepted service of the R&R on September 15, 2010, and has filed no objections.

Accordingly, the Court **ADOPTS** the R&R (dkt. 65) in full, **GRANTS** the motion to dismiss (dkt. 43) filed by defendant William M. Fox, Warden, **GRANTS** the motion for summary judgment (dkt. 61)

ORDER ADOPTING REPORT AND RECOMMENDATIONS

filed by defendant Karen Winters, M.D., and **DISMISSES** this case **WITH PREJUDICE**.

It is so **ORDERED**.

The Court directs the Clerk to strike this case from the active docket, enter a separate judgment order, and transmit copies of both orders to counsel of record and to the pro se plaintiff via certified mail, return receipt requested.

Dated: October 13, 2010

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE